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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/053,442 | 11/02/2001 | Alan R. Smith | SVL920010076US1 | 3528 |
| 24852 | 7590 | 04/07/2004 | EXAMINER | |
| INTERNATIONAL BUSINESS MACHINES CORP | | | LEWIS, CHERYL RENEA | |
| IP LAW | | | | |
| 555 BAILEY AVENUE , J46/G4 | | | | |
| SAN JOSE, CA 95141 | | | ART UNIT | PAPER NUMBER |
| | | | 2177 | |
| DATE MAILED: 04/07/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/053,442 | SMITH, ALAN R. |
| | Examiner | Art Unit |
| | Cheryl Lewis | 2177 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 November 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2 & 3</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 1-30 are presented for examination.

DRAWINGS

2. The applicant's formal drawings submitted on November 2, 2001 have been approved by the draftsperson.

INFORMATION DISCLOSURE STATEMENT

3. The information disclosure statements filed on November 2, 2001, paper no. 2 and January 31, 2002, paper no. 3, complies with the provisions of MPEP § 609. They have been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. (Pat. No. 6,622,142 B1, filed April 13, 2000, hereinafter Murray) and Koeppen (Pat. No. 5,761,667, filed August 7, 1996).

6. Regarding Claims 1, 11, 12, and 22, Murray teaches database utilities. The method and associated system for database utilities as taught or suggested by Murray includes:

a global directive (figure 3, element 48 'Scan cylinders window' and element 51 'Scan cylinders window', col. 6, lines 36-67) and a set of segment directives (col. 6, lines 18-25, col. 7, lines 14-37, col. 9, lines 55-67, col. 10, lines 1-11); reading a database (col. 6, lines 36-44) definition (col. 10, lines 20-26) for a hierarchical database (Abstract, lines 1-4); building a logical processing map (Abstract, lines 32-39, col. 2, lines 52-67, col. 10, lines 12-35) utilizing at least a global directive (figure 3, element 48 'Scan cylinders window' and element 51 'Scan cylinders window', col. 6, lines 36-67) and a set of segment directives (col. 6, lines 18-25, col. 7, lines 14-37, col. 9, lines 55-67, col. 10, lines 1-11) and a database definition (col. 10, lines 20-26); reading a segment (col. 4, lines 42-51, from a hierarchical database (Abstract, lines 1-4); writing to a segment (col. 3, lines 34-47) and a segment has a type identified (col. 10, lines 20-49) by a logical processing map (Abstract, lines 32-39, col. 2, lines 52-67, col. 10, lines 12-

35) and a segment is not an excluded root segment (col. 2, lines 18-32 and 61-67, col. 3, lines 1-4); and selection criteria (col. 10, lines 19-35).

Murray does not expressly teach a target unload file.

Koeppen teaches a target unload file (col. 2, lines 63-65, figure 3c).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the reorganization of hierarchy databases of Murray's method with the reorganization of databases of Koeppen's method because Koeppen's method enables protecting valuable data given an unload process to copy data from a database to multiple sequential files and a load process of copying data from sequential files onto a randomly accessible storage device, where the stored data is grouped according to the relation of the data to provide for quicker access of the data (col. 4, lines 11-39).

7. Regarding Claims 2, 13, and 23, Murray teaches a segment is not an excluded root segment if a segment criteria does not comprise an inclusive key list (col. 2, lines 18-32 and 61-67, col. 3, lines 1-4).

8. Regarding Claims 3, 14, and 24, Murray teaches an inclusive key list (col. 2, lines 61-67, col. 3, lines 1-4).

9. Regarding Claims 4, 15, and 25, Murray teaches a segment is not an excluded root segment if a segment is a root segment and a root segment contains a key, wherein a key is identified by an inclusive key list (col. 2, lines 18-32 and 61-67, col. 3, lines 1-4).

10. Regarding Claims 5, 16, and 26, Murray teaches a segment is an excluded root segment if it is a root segment and a root segment contains a key, wherein a key is not identified by an inclusive key list (col. 2, lines 18-32 and 61-67, col. 3, lines 1-4).
11. Regarding Claims 6, 7, 17, 18, 27, and 28, the limitations of these claims has been noted in the rejection above. In addition, Murray teaches a control file (col. 3, lines 35-40).
12. Regarding Claims 8, 19, and 29, Murray teaches a global directive indicates a global bias to either include or exclude segment types (col. 6, lines 17-35 and 38-57) from a logical processing map (Abstract, lines 32-39, col. 2, lines 52-67, col. 10, lines 12-35).
13. Regarding Claims 9, 20, and 30, Murray teaches a segment directive selected from a set of segment directives indicates a segment specific action (col. 6, lines 47-57) to either include or exclude a segment type (col. 10, lines 20-49) from a logical processing map (Abstract, lines 32-39, col. 2, lines 52-67, col. 10, lines 12-35).
14. Regarding Claims 10 and 21, Koeppen teaches utilizing a target unload file (col. 2, lines 63-65, figure 3c) as a source file (col. 4, lines 25-39) to perform on a target database (col. 4, lines 25-56) an operation selected from the group of mass update (col. 8, lines 4-8).

CONCLUSION

15. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A. Beier et al. (U.S. Pat. No. 5,933,820) discloses a system, method, and program for using direct and indirect pointers to logically related data and targets of indexes; and

B. VanderDrift (U.S. Pat. No. 5,455,945) discloses a system and method for dynamically displaying entering and updating data from a database.

NAME OF CONTACT

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (703) 305-8750. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Cheryl Lewis
Patent Examiner
April 2, 2004



JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100